IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.21396 of 2004

Between:

1 Dhadi Sudhakar Chowdary, S/o. Ramakrishna Chowdary,
Second Cross, Venkateswara Nagar, Ballari Town, Ballari District,

Karnataka State.
2 Madala Subbarayudu, S/o. Madala Chinna Gurrappa,
Second Cross, Venkateswara Nagar, Ballari Town, Ballari District,

Karnataka State.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Cuddpah Mandal, Cuddapah District.
2 M. Ravi Kumar Babu, Father's Name nnot known, aged about not

known, Ukkayapalli Village, Cuddapah Mandal, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction the proceedings in Ref.B/1138/2004, dated 28-10-2004 issued by the 1st respondent as arbitrary, illegal, contrary to the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 and the A.P. Rights in Land and Pattadar Pass Books Rules, 1989 and violative of the principles of natural justice apart from being violative of the Fundamental Rights guaranteed to the petitioners under Articles 14, 19 (1) (g) and 21 of the Constitution of India and consequently set aside the same.

Counsel for the Petitioners: MR.V.R.REDDY KOVVURI

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

As against the order impugned in this writ petition, passed by the 1st respondent-Mandal Revenue Officer, it is submitted by the learned Government Pleader for Revenue and admitted to by the learned counsel for the petitioner, that an effective alternative remedy by way of appeal is available before the Revenue Divisional Officer under Section 5 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971.

In the circumstances, the writ petition is disposed of with the following directions:

The petitioners may avail the effective alternative remedy of appeal available to them against the impugned order passed by the 1st respondent, before the Revenue Divisional Officer, under Section 5 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 within a period of four weeks. Till the consideration of the said appeal being filed by the petitioners, status quo obtaining as on today shall be maintained by the parties. No costs.

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N.V. RAMANA, J.

Date: 23rd November, 2004.

Note:

Issue CC tomorrow

(B/o)

NSR/KSR

To

1 The Mandal Revenue Officer, Cuddpah Mandal, Cuddapah District.
2 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

3 Two CD copies.